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FILED

DISTRICT COURT OF GUAM

AUG 11 2006 *mbo*

MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et al.*,

Petitioners,

-v-

FELIX P. CAMACHO, *et al.*

Respondents.

Civil Case No. 04-00006

**JOINT STATUS REPORT PURSUANT
TO THE COURT'S JULY 19, 2006
ORDER**

CLASS ACTION

Civil Case No. 04-00038

CHARMAINE R. TORRES, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM, *et al.*,

Defendants.

MARY GRACE SIMPAO, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM,

Defendant.

-v-

FELIX P. CAMACHO, Governor of Guam,

Intervenor-Defendant.

Civil Case No. 04-00049

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Attorneys for Plaintiff Charmaine R. Torres

1 **JOINT STATUS REPORT**

2 Petitioner JULIE BABAUTA SANTOS (Civ. Case No. 04-00006) and Plaintiff
3 CHARMAINE R. TORRES (Civ. Case No. 04-00038) (collectively "Petitioners") respectfully
4 submit this joint report to the Court pursuant to the Court's Order of July 19, 2006.

5 Petitioners thank the Court for considering the pending motions concerning the May 26,
6 2006 Class Action Settlement Agreement. Petitioners believe that the terms of the most recent
7 settlement agreement will go a long way toward ensuring that the members of the EIC class are
8 justly compensated for their EIC claims, and that the earned income tax credit program is
9 implemented in Guam henceforth. Petitioners also thank the Court for granting the Dismissal of
10 Claims Against Attorney General Douglas B. Moylan, Docket No. 330, and for adopting the
11 Report and Recommendations of the Magistrate Judge in *Torres v. Government of Guam*, Civ.
12 Case No. 04-00038, Docket No. 64.

13 **A. Supplemental Filings**

14 In its July 19, 2006 Order, the Court ordered the parties to submit any supplemental filings
15 on motions filed in connection with the May 26, 2006 Settlement Agreement. Accordingly,
16 Petitioners are filing concurrently herewith an Amended Motion for Conditional Certification of
17 the EIC Class for Settlement Purposes. Petitioners respectfully ask the Court to grant the motion.

18 **B. Prior Motions**

19 In its July 29, 2006 Order, the Court also asked the parties to file a status report to advise
20 whether any motions pending prior to the entry of the recent May 26, 2006 Settlement Agreement
21 are to be considered moot in light of the recent settlement. Petitioners believe that with the
22 exception of Petitioner Santos's November 14, 2005 Motion for Appointment of Class Counsel
23 and the accompanying Declaration of Interim Class Counsel Michael F. Phillips in support of the
24 motion (Docket Nos. 275 and 276 respectively, Civ. Case No. 04-00006), all of the other motions
25 are now moot. Petitioners ask the Court to consider the Motion for Appointment of Class
26 Counsel, but in an amended form that takes into account developments occurring since the filing
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1 of the original motion, including of course, the execution of the May 26, 2006 Settlement
2 Agreement.

3 Consequently, Petitioner Santos is filing concurrently herewith an Amended Motion for
4 Appointment of Lead Class Counsel and an amended Declaration of Interim Class Counsel
5 Michael F. Phillips in support thereof. Both the Amended Motion and the Declaration are also
6 intended to support and be read in conjunction with Petitioners' Amended Motion For Attorneys'
7 Fees And Costs Pursuant To Section II(a)(iv) Of The May 26, 2006 Class Action Settlement
8 Agreement (Docket No. 331, Civ. Case No. 04-00006.) Petitioners ask the Court to grant the
9 motions.

10 **RESPECTFULLY SUBMITTED** this 11th day of August, 2006.

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12 **PHILLIPS & BORDALLO, P.C.**

13
14 By: 

MICHAEL F. PHILLIPS, ESQ.

15 *Attorneys for Petitioner Julie Babauta Santos*
16 *and Interim Class Counsel*

17 **LUJAN AGUIGUI & PEREZ LLP**

18
19 By: 

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20 *Attorneys for Plaintiff Charmaine R. Torres*
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